DOCKET NO.: SS0218US (NORT10-00070)

S (NORT10-00070) PATENT

RAD Statemer No.: 33000

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Peter Allen Huboi

U.S. Serial No.

09/459,380

Filing Date

December 13, 1999

Title

METHODS AND APPARATUS FOR VOICE RECOGNITION

FOR CALL TREATMENT MODIFICATION ON MESSAGING

Group Art Unit

2654

Examiner

D.L. Storm

RECEIVED

JAN 1 2 2004

**Technology Center 2600** 

**OFFICE OF PETITIONS** 

2201 South Clark Place Crystal Plaza 4 Suite 3C23 Arlington, VA 22202

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

- 1. Petition to Withdraw Holding of Abandonment;
- 2. Copy of Continued Prosecution Application (CPA) Transmittal, Certificate of Mailing by Express Mail, Statement of Non-Authorization to Charge Additional Fees with Respect to Continued Prosecution Application Filed Concurrently Herewith, Power of Attorney or Authorization of Agent and Statement Under 37 C.F.R. 3.73(b) and return postcard receipt filed in USPTO on June 19, 2003;
- 3. Statement of Kathy Cedor;
- 4. User Detail Report; and
- 5. Postcard receipt

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to OFFICE OF PETITIONS, 2201 South Clark Place, Crystal Plaza 4, Suite 3C23, Arlington, VA 22202, on <u>December 31, 2003</u>.

Date: 12/31/0.3

12/31/2003

Robert D. McCutcheon

Reg. No. 38,717

P.O. Drawer 800889 Dallas, Texas 75380 Phone: (972) 628-3600 Fax: (972) 628-3616

E-mail: rmccutcheon@davismunck.com

\*\* PQCKET NO.: SS0218US (NORT10-00070)

Customer No.: 33000

**PATENT** 

JAN 0 8 2004

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Retent Application of

Peter Allen Huboi

U.S. Serial No.

09/459,380

Filing Date

December 13, 1999

Title

METHODS AND APPARATUS FOR VOICE

RECOGNITION FOR CALL TREATMENT

MODIFICATION ON MESSAGING

Group Art Unit

2654

Examiner

D.L. Storm

RECEIVED

JAN 1 2 2004

Technology Center 2600

**OFFICE OF PETITIONS** 

2201 South Clark Place Crystal Plaza 4 Suite 3C23 Arlington, VA 22202

Sir:

### PETITION TO WITHDRAW HOLDING OF ABANDONMENT

In response to the Notice of Abandonment mailed December 18, 2003, Applicant submits this Petition.

A Continued Prosecution Application (CPA) was mailed to the United States Patent and Trademark on June 19, 2003. The Certificate of Mailing by Express Mail was signed by Kathy Cedor and the undersigned attorney of record, Robert D. McCutcheon. A copy of the documents as filed, including a copy of the Express Mail receipt, are attached hereto.

Also attached hereto is an executed Statement of Kathy Cedor explaining the steps taken to timely file the Continued Prosecution Application (CPA) in the above-identified matter.

**DOCKET NO. SS0218US (NORT10-00070)** U.S. SERIAL NO. 09/459,380 **PATENT** 

Finally attached hereto is a Detail Report indicating that copies and postage were charged to matter number NORT10-00070 on June 19, 2003 in the amount of \$16.38.

Applicant respectfully requests that the holding of abandonment be withdrawn, a continued prosecution application (CPA) be initiated with a filing date of June 19, 2003, and a Notice of Missing Parts be issued.

If the Examiner requires any further assistance in this matter, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at rmccutcheon@davismunck.com.

Respectfully submitted,

Robert D. McCutcheon Registration No. 38,717

DAVIS MUNCK, P.C.

Docket Clerk

P.O. Drawer 800889 Dallas, Texas 75380

(972) 628-3600

Fax:

(972) 628-3616

e-mail: rmccutcheon@davismunck.com



### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Peter Allen Huboi

U.S. Serial No.

09/459,380

Filing Date

December 13, 1999

Title

METHODS AND APPARATUS FOR VOICE

RECOGNITION FOR CALL TREATMENT

MODIFICATION ON MESSAGING

Group Art Unit

2654

Examiner

D.L. Storm

RECEIVED

JAN 1 2 2004

**Technology Center 2600** 

**OFFICE OF PETITIONS** 

2201 South Clark Place Crystal Plaza 4 Suite 3C23 Arlington, VA 22202

Sir:

### **STATEMENT OF KATHY CEDOR**

I, Kathy Cedor, hereby attest on a personal knowledge basis to the timely mailing of the Continued Prosecution Application (CPA) Transmittal, Certificate of Mailing by Express Mail, Statement of Non-Authorization to Charge Additional Fees with Respect to Continued Prosecution Application Filed Concurrently Herewith, copy of Power of Attorney or Authorization of Agent and Statement Under 37 C.F.R. 3.73(b), and a return postcard receipt filed in the U.S. Patent and Trademark Office on June 19, 2003, and make the following Statement in support of the Petition to Withdraw Holding of Abandonment:

DOCKET NO. SS0218US (NORT10-00070) U.S. SERIAL NO. 09/459,380

**PATENT** 

In response to the final Office Action dated March 19, 2003, I prepared the Continued

Prosecution Application (CPA) Transmittal and Certificate of Mailing for execution by the attorney

of record, Robert D. McCutcheon, for submission to the United States Patent and Trademark Office.

Copies of the executed paperwork are attached to the Petition to Withdraw Holding of Abandonment

filed concurrently herewith.

Also attached hereto is a User Detail Report indicating that copies were made and charged

to NORT10-00070 on June 18, 2003. The User Detail Report also indicates that postage was

charged to NORT10-00070 on June 18, 2003 in the amount of \$13.88 (\$0.23 postcard fee and \$13.65

for the Express Mail postage).

On June 18, 2003, I executed the Certificate of Mailing and hand-delivered the envelope to

the United States Post Office located in Dallas, Texas.

Respectfully submitted,

DAVIS MUNCK, P.C.

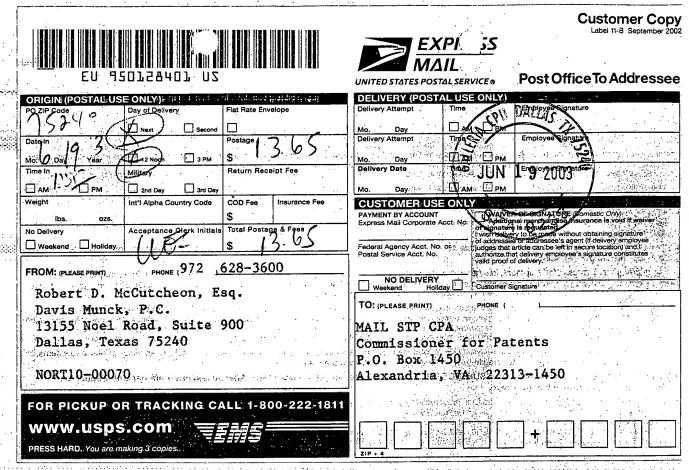
Date: 12/31/03

Kathy Cedbr

Legal Assistant to Robert D. McCutcheon

-2-





JAN 1 2 2004

Technology Center 2600



JAN 1 2 2004

Technology Center 2600

Mailed:

June 19, 2003

Express Mail Cert. #EU950128401US

JUN 1 9 2003

In re. Application of: Peter Allen Huboi

Serial No.:

09/459,380

Filed:

December 13, 1999

Title:

METHODS AND APPARATUS FOR VOICE RECOGNITION

FOR CALL TREATMENT MODIFICATION ON MESSAGING

Docket No.:

SS0218US (NORT10-00070)

The following documents were received in the U.S. Patent and Trademan Office date stamped below:

1) Certificate of Mailing by Express Mail;

2)

Continued Prosecution Application (CPA) Request Transmittal, Statement of Non-Authorization to Charge Additional Fees with 3) Continued Prosecution Application Filed Concurrently Herewith; and,

Copy of Power of Attorney or Authorization of Agent and Statement Under 37 4) C.F.R. 3.73(b) as filed on September 26, 2002.

DAVIS MUNCK

JUL - 1 2003

METED JUL - 3 2003



JAN 1 2 2004

Technology Center 2600

Mailed:

June 19, 2003

Express Mail Cert. #EU950128401US

In re. Application of: Peter Allen Huboi

Serial No.:

09/459,380

Filed: Title:

December 13, 1999

METHODS AND APPARATUS FOR VOICE RECOGNITION

FOR CALL TREATMENT MODIFICATION ON MESSAGING

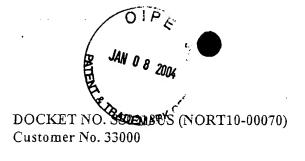
Docket No.:

SS0218US (NORT10-00070)

The following documents were received in the U.S. Patent and Trademark Office on the date stamped below:

- 1) Certificate of Mailing by Express Mail;
- Continued Prosecution Application (CPA) Request Transmittal; 2)
- 3) Statement of Non-Authorization to Charge Additional Fees with Respect to Continued Prosecution Application Filed Concurrently Herewith; and,
- 4) Copy of Power of Attorney or Authorization of Agent and Statement Under 37 C.F.R. 3.73(b) as filed on September 26, 2002.

EU950158401US



### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter Allen Huboi

Serial No.

09/459,380

Filed

December 13, 1999

For

METHODS AND APPARATUS FOR VOICE RECOGNITION

FOR CALL TREATMENT MODIFICATION ON MESSAGING

Group No.

2654

Examiner

Donald L. Storm

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JAN 1 2 2004

MAIL STOP CPA Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

Technology Center 2600

### CERTIFICATE OF MAILING BY POST OFFICE EXPRESS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1) Continued Prosecution Application (CPA) Request Transmittal;

2) Statement of Non-Authorization to Charge Additional fees with Respect to Continued Prosecution Application Filed Concurrently Herewith;

Copy of Power of Attorney or Authorization of Agent and Statement Under 37 C.F.R. 3.73(b) as filed on September 26, 2002; and

4) Postcard receipt.

relating to the above application, were deposited as "Express Mail", Mailing Label No. EU950128401US with the United States Postal Service, addressed to Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on <u>June 19, 2003</u>.

Date: 6/19/03

Date: <u>6/19/2003</u>

Kathy Cean

Robert D. McCutcheon Reg. No. 38,717

P.O. Drawer 800889 Dallas, Texas 75380 Phone: (972) 628-3600 Fax: (972) 628-3616

E-mail: rmccutcheon@davismunck.com

PTO/S8/29 (05-03) Approved for use through 04/03/2003, OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

U.S. Patent and trademark office, 0.5. 52.

Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Under the Paperwork Reduc

CONTINUED PROSECUT REQUEST T	TION APPLICATIO	N (CPA)
	a duplicate for fee processing	CHECK BOX, if applicable:
-	nal applications under 37 CFR 1.5	
		36. 6.6.112
Address to:	Attorney Docket No. of Prior Application	03384.0346-0
Mail Stop CPA	First Named Inventor	Peter Allen Huboi
Commissioner for Patents P.O. Box 1450	Examiner Name	D.L. Storm
Alexandria, VA 22313-1450	Art Unit	2654 RECEIVED
	Express Mail Label No.	EU950128401US
		IAN 1 2 2004
This is a request for a 📝 continuation or Divisional ap (continued prosecution application (CPA)) of prior application number	plication under 37 CFR 1.53( 09 / 459,380	d),
filed on December 13, 1999 , entitled Methods and Apparatus for Voi	ce Recognition for Call Treatme	Technology Center 2600
Filing Qualifications: The prior application identified above must be a 37 CFR 1.52(b), of (2) the national stage of an international application may only be filed in a utility or a plant application if the prior nonprovision in a design application regardless of the filing date of the prior application and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (1233 Off. Gaz. Pat. Office (Apr. 11, 2000).  C-I-P NOT PERMITTED: A continuation-in-part application cannot be a 37 CFR 1.53(b).  EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of of the filing date of the request for a CPA> 37 CFR 1.53(b) must be use application that is not to be abandoned.	in compliance with 35 U.S.Conal application was filed befi ion. See "Request for Contin Aug. 16, 2000); Interim Rule, filed as a CPA under 37 CFR	2. 371. Effective May 29, 2000, a CPA pore May 29, 2000. A CPA may be filed ued Examination Practice changes to 65 Fed. Reg. 14865 (Mar. 20, 2000), 2. 1.53(d), but must be filed under ussiy abandon the prior application as
ACCESS TO PRIOR APPLICATION: The filing of this CPA will be con 35 U.S.C. 122 to the extent that any member of the public who is entitle information concerning, the prior application may be given similar access application or applications in the file jacket.	es under the provisions of 37	CFR 1.14 to access to, copies of, or
35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior applic	ration is needed in the first se	entence of the specification and none

should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application umber identified in such request, 37 CFR 1.78(a).

> WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

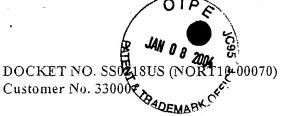
1.	Enter the unentered amendment previously filed on
3.	This application is filed by fewer that all the inventor(s) named in the prior application, 37 CFR 1.53(d)(4).  a. DELETE the following inventor(s) named in the prior nonprovisional application:
4. 5.	b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.  Information Disclosure Statement (IDS) is enclosed;
	a PTO-1449 b. Copies of IDS Citations

Page 1 of 2

This collection of information is required by 37 CFR 1.53(d). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 24 minutes to complete. OSPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CPR 1.14. This collection is estimated to take 24 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop CPA, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/29 (05-03)
Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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CLAIMS									
	(1) FOR ·	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS				
a eta filip	TOTAL CLAIMS (37 CFR 1.16(c) or (i)	-20* = 54 - 20 =	34	x \$ 18.00 =	s 612.00				
	INDEPENDENT CLAIMS (37 CFR 1.16(B) OR (I))	-3** = 16 - 3 =	13	x \$ 84.00 =	1,092.00				
	•								
				BASIC FEE (37 CFR 1.16)	750.00				
			Total of	above Calculations=	2,454.00				
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).									
	* Reissue claims in excess ** Reissue Independent clain	of 20 and over original patent. ns over original patent.		TOTAL =	2,454.00				
	Small entity status: Applic	cant.claims small entity statu	s. See 37 CFR 1.27.						
	Director is hereby authorize sit Account No.	ed to credit overpayments or	charge the following fees to		RECEIVE				
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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter Allen Huboi

Serial No.

09/459,380

Filed

December 13, 1999

For

METHODS AND APPARATUS FOR VOICE RECOGNITION

FOR CALL TREATMENT MODIFICATION ON MESSAGING

Group No.

2654

Examiner

Donald L. Stórm

**RECEIVED** 

JAN 1 2 2004

**Technology Center 2600** 

MAIL STOP CPA

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### STATEMENT OF NON-AUTHORIZATION TO CHARGE ADDITIONAL FEES WITH RESPECT TO CONTINUED PROSECUTION APPLICATION FILED CONCURRENTLY HEREWITH

Dear Sir:

On September 26, 2002, A Power of Attorney or Authorization of Agent (including request to change correspondence address) and Statement Under 37 C.F.R. 3.73(b) was submitted to the United States Patent and Trademark Office in the above-identified matter. Copies of these documents are enclosed herewith. By virtue of this new Power of Attorney, all previous powers of attorney were revoked by the Assignee of this application.

The filing fee for this Continued Prosecution Application filed concurrently herewith is not authorized to be charged to any deposit account.

Respectfully submitted,

DAVIS MUNCK, P.C.

Robert D. McCutcheon

Registration No. 38,717

Date: <u>6/19</u>

P.O. Drawer'800889 Dallas, Texas 75380 Phone: (972) 628-3600

Fax: (972) 628-3616

email: rmccutcheon@davismunck.com



JAN 1 2 2004

Technology Center 2600

Mailed:

In re. Application of: Peter Allen Huboi

Serial No.:

09/459,380

Filed:

December 13, 1999

Title:

METHODS AND APPARATUS FOR VOICE RECOGNITION

FOR CALL TREATMENT MODIFICATION ON MESSAGING

Docket No.:

SS0218US (NORT10-00070)

The following documents were received in the U.S. Patent and Trademark Office on the date stamped below:

Certificate of Mailing by First Class Mail; 1)

Power of Attorney or Authorization of Agent; and,

Statement Under 37 C.F.R. 3.73(b). 3)



OCT 1 0 2002

DAVIS MUNCK



### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Peter Allen Huboi

RECEIVED

Serial No.

09/459.380

JAN 1 2 2004

Filed

December 13, 1999

Technology Center 2600

For

METHODS AND APPARATUS FOR VOICE RECOGNITION FOR

CALL TREATMENT MODIFICATION ON MESSAGING

Group No.

2748

Examiner -

(Not Yet Assigned)

Commissioner for Patents Washington, D.C. 20231

### CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

- 1. Power of Attorney or Authorization of Agent;
- 2. Statement Under 37 C.F.R. 3.73(b); and
- A postcard receipt;

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to Commissioner for Patents, Washington, D.C. 20231, on 9/26/02

Date: 9/26/82

09/26/2002

Mailer

Robert D. McCutcheon

Reg. No. 38,717

P.O. Drawer 800889 Dallas, Texas 75380 Phone: (972) 628-3600

Fax: (972) 628-3616

E-mail: rmccutcheon@davismunck.com



### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In reapplication of

Peter Allen Huboi

Serial No.

09/459,380

Filed

December 13, 1999.

For

METHODS AND APPARATUS FOR VOICE RECOGNITION FOR

CALL TREATMENT MODIFICATION ON MESSAGING

Group No.

2748

Examiner

(Not Yet Assigned)

**RECEIVED** 

JAN 1 2 2004

**Technology Center 2600** 

Commissioner for Patents Washington, D. C. 20231

Sir:

### STATEMENT UNDER 37 C.F.R. 3.73(b)

Nortel Networks Limited, a Canadian corporation, states that it is:

The assignee of the entire right, title, and interest in the patent application identified above by virtue of:

An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 010457, Frame 0944, or for which a copy thereof is attached.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 20-501-2002

Kevin L. Smith, Reg. No. 38,620

Senior IP Attorney



Approved for use through 10/31/2002, OMB 0851-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to resoond to a collection of information unless it display a valid OMB control number.

### POWER OF ATTORNEY OR **AUTHORIZATION OF AGENT**

Application Number	09/459.380
Filing Date	December 13, 1999
First Named Inventor	Peter Allen Huboi
Title	Methods and Apparatus for Voice Recognition for Call Treatment Modification on Messaging
Group Art Unit	2748
Examiner Name	(Not Yet Assigned)
Attorney Docket Number	SS0218US (NORT10-00070)

I hereby app	oint:	-			,			
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		SIGNATURE of Ap	plicant or Assign	nee of	Record			
Name		Kevin L. Smit	h, Registration No	38,62	.0			
Signature		1/-1	Suns					
Date		7-0	5-6 -200	, Z				
NOTE: Signatures of all forms if more than one		rs or assignees of record required, see below*.	of the entire interes	t or thei	r represent	ative(s) are required	l. Submit mu	Itiple
∏ *Total of	form	s are submitted					•	

# DAVIS MUNCK, A PROFESSIONAL CORPORATION

# ACCOUNT DETAIL REPORT

					Date Range From 6/19/2003 0:00 To 6/19/2003 23:55	144 0 8 20
Nort10-00070 Nortel Networks / U.s. Patent Application	1 Networks	/ U.s. Patent A		For M	OF.	•
				Copy Transaction(s)		Car
User Name	Date	Time Unit ID	Description	Size	Pages	Net Charges Status
Longenecker Kathy	6/19/2003	13:12 CFX02		Letter	23	2.30 Billed
Longenecker Kathy	6/19/2003	14:48 CFX02		Letter	2	0.20 Billed
Transtotals for Copy:					25	2.50
				Disb Transaction(s)		
User Name	Date	Time Unit ID	Description	DisbName		Net Charges Status
Longenecker Kathy	6/19/2003	13:27 POSTRAK1		Postage		13.88 Billed
Transtotals for Disb:						13.88
Totals For Nort10-00070:	ä					16.38

**Grand Total:** 

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JAN 1 2 2004

Technology Center 2600

Included transaction type(s): Fax, Copy, Disb.

Inquiry: Expenses - Billed Details Client: NORT10 - Nortel Networks

Matter:	70 - U.S.	Patent App	lication for	r "M		
	Matter	Date	ExpCd	Bill	Amount	Narrative
1	70	9/26/2002	COPY	63120	1.80	COPIES
2	70	12/10/2002	COPY	63120		COPIES
3	70	12/17/2002	COPY	63120	3.10	COPIES
4	70	12/10/2002	POST	63120	3.95	POSTAGE
5	70	2/20/2003	COPY	64662	10.30	COPIES
6	70	2/20/2003	COPY	64662		COPIES
7	70	2/19/2003	E	64662	180.00	COMPAT-Information Disclosure Statement
8	70	2/19/2003	FAX	64662	0.00	FACSIMILE TO 14256706593
9	70	2/19/2003	FAX	64662	0.00	FACSIMILE TO 9726853850
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13	70	2/20/2003	POST	64662	2.44	POSTAGE
14	70	3/25/2003	COPY	67882	1.70	COPIES
15	70	6/19/2003	COPY	67882	2.30	COPIES
16	70	6/19/2003	COPY	67882	0.20	COPIES
17	70	3/25/2003	FAX	67882	0.00	FACSIMILE TO 9726853850
18	70	6/19/2003	POST	67882	13.88	POSTAGE
19	70	6/20/2003	POST	67882	0.83	POSTAGE
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Expense Code: All Expenses

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